

THE SAFETY AND BEST INTEREST OF CHILDREN? AN INQUIRY INTO CHILD WELFARE SERVICES

Synopsis

The 2003-2004 Grand Jury received multiple complaints against the San Luis Obispo County Department of Social Services (DSS). These complaints accused the Child Welfare Services (CWS) division of failing to provide for the safety and stability of children who are at risk of abuse and/or neglect. Investigation of the complaints led us to examine several CWS systems.

Our investigation focused on two areas where CWS has important responsibilities: the county system for reporting and investigating suspected child abuse, and the processes involved in the placement of children who have been removed from their homes. We found problems in both systems that involve lack of communication and coordination with related agencies. In reporting child abuse, CWS fails to provide law enforcement and the district attorney with required, timely information. In Juvenile Court cases concerning the placement of children, CWS acts to keep information and other professionals who work with the children outside of the process.

While confidentiality is of the utmost importance in child welfare and court cases, the same confidentiality that is supposed to protect these children is used to prevent related agencies from communicating with CWS and the court. There appears to be little or no accountability as to how CWS arrives at many important decisions. Grand Jury members received specialized training and were allowed access to confidential CWS case information. We question whether the court is receiving all of the relevant information, or even the correct information.

We also reviewed the CWS organization in our effort to understand its situation. We found an organization that is faced with enormous challenges, many of which are inherent in the work it performs. There are currently added pressures from California mandated changes and budgetary concerns. The most difficult obstacle to overcome, however, may be the distrust between social workers and upper management at CWS. Unless this problem is addressed, it is questionable whether CWS can effectively meet its other challenges.

Origin of the Investigation

This investigation began as a result of a complaint that was accepted by the 2002-2003 Grand Jury. The complaint alleged that the Department of Social Services, Child Welfare Services division, failed to protect and to act in the best interest of two children. After initial review late in its term, the 2002-2003 Grand Jury assessed that the complaint may underscore more serious problems within the department. Because of the time constraints, that Grand Jury forwarded the complaint to the 2003-2004 Grand Jury for our consideration. Upon review of the forwarded complaint, we accepted it as the first case of the 2003-2004 Grand Jury.

By March 2004 we had received similar complaints and allegations involving 17 CWS cases, 16 families and 38 children. The allegations against CWS cover a range of issues, including failure to respond to reports of child abuse and neglect, and inappropriate actions in foster care and adoption cases. As we investigated each case, several themes emerged that shaped our investigation and this report. The central question that we address in this report is, does CWS effectively implement systems that protect the safety and best interest of children?

Authority for the Investigation

Our authority to pursue the investigation is pursuant to Section 925 of the California Penal Code that states, "The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments or functions of the county." The Department of Social Services is a county agency under the purview of the Board of Supervisors, and Child Welfare Services is a division within that agency.

Overview: Child Welfare Services

This investigation focuses on the Child Welfare Services (CWS) division of the San Luis Obispo County Department of Social Services (DSS). Within the county structure, the Board of Supervisors appoints the DSS Director. Leland Collins has held this position since August of 2000. DSS provides services under three main categories: Aid Programs, Adult Protective Services, and Child Welfare Services. Since the time of Mr. Collins' appointment as DSS Director, the CWS division has been under the direction of Deputy Director Debby Jeter.

The DSS budget derives its revenues from allocations of state and federal funds, special grants, and county funds. The approved 2003-2004 DSS budget includes expenditures of \$74.26 million, of which about 65 percent is for DSS administration and 35 percent is for direct benefit payments. The county General Fund Support for the DSS 2003-2004 budget was originally approved at \$3.53 million, although in January, 2004 this amount was increased by nearly \$2 million. The increases were attributed to the complex funding and state reimbursement for CWS services. With the budget adjustments that were approved in May, the total General Fund Support for the 2003-2004 DSS budget was \$6.97 million.

The major programs implemented through CWS are under the jurisdiction of the California Department of Social Services and are regulated by California's Penal Code (PC), Welfare and Institutions Code, and Health and Safety Code. The county receives federal funds for CWS programs, along with the federal regulatory requirements, from the state DSS. The *California DSS Manual of Policies and Procedures, Division 31 Child Welfare Services Program*, is the primary operating manual governing CWS programs. Local CWS policies and procedures define specific implementation and practices in San Luis Obispo County. During the last year, CWS has been compiling local procedures as "Desk Guides" for workers to access via the departmental intranet.

The county's 2003 *DSS Public Information Report* states, "The goal of Child Welfare Services is to provide for the safety and stability of children who are at risk of abuse or neglect" (March, 2004 p.16). CWS services are listed in the following categories: Early Intervention/Emergency Response, Family Maintenance Voluntary/Family Preservation, Family Maintenance Court Ordered, Family Reunification, and Permanency Planning. The work of CWS involves receiving and responding to reports of child abuse or neglect, working with families to facilitate effective parenting and safe environments for children, and, when necessary, removing children from their homes and finding alternative placements for them.

The Juvenile Court, a division of the California Superior Court, has jurisdiction when CWS takes a child from parents or legal guardians. CWS must petition the court to detain, take custody, and/or place children in foster care or other placements. Recommendations and placement plans are developed by CWS and submitted for court review and approval. In this capacity, CWS plays an important role in providing the critical information on which the court bases its decisions.

The *DSS Public Information Report* also describes 15 "innovative practices and initiatives" that CWS has implemented in its efforts to keep children safe. Many of these initiatives have been in response to, or in anticipation of, social work benchmarks and state priorities. Since 1998, standards of excellence in social services have been referred to as *Best Practices* and CWS has sought special funding in support of local implementation. Recently, many such standards have been incorporated as state mandates and performance goals in the *California Child Welfare Services Redesign* (generally referred to as "Redesign").¹

This statewide Redesign, which is being implemented from 2004 through 2007, also requires major systems changes in local CWS operations. The state has selected San Luis Obispo as one of the counties that will receive special funding as "early implementers" of the Redesign. CWS will receive a total of \$2.85 million beyond its normal allocated state funding over the next four years. The first \$300,000 was accepted in January 2004, and the remaining payments are to be distributed annually through fiscal year 2007-2008.

A central component of the Redesign is the legislatively mandated statewide accountability and monitoring system (Assembly Bill 636), which involves tracking performance measures. The online California CWS Case Management System (CWS/CMS), which the county CWS has been phasing in over the past five years, enables the state to track county performance. The system can also be used to track individual social worker performance.

State mandates and local initiatives in recent years have required county CWS employees to learn, implement, and adapt to a myriad of changes. They also must provide vital services with fewer staff. DSS has had a hiring freeze in place since May 2002, resulting in more than 70 unfilled positions in 2004. In addition, in January 2004, the Board of Supervisors approved the elimination of temporary CWS employees and of 18.5 permanent positions, including two of the five senior management jobs.

Methods of Investigation

Our efforts to identify actions and behaviors that led to the complaints against CWS involved conducting interviews, reviewing CWS case files, and examining various documents. We conducted 37 individual interviews at the Grand Jury office, each lasting from one to three hours. Interviewees included complainants, social service professionals, mandated reporters, lawyers, court commissioners, and current and former CWS managers, supervisors, and social workers. A minimum of five Grand Jury members participated in each interview, although there were typically eight to ten jurors present. The majority of the interviews were tape recorded for the review of other jurors and for later reference. In addition to these Grand Jury office interviews, we visited several law enforcement agencies to talk with officers over the course of our investigation. At least two jurors participated in each of these visits.

Because of the sensitive nature of CWS cases, confidentiality, by law, is at a high level. All jurors received special training in confidentiality from Office of County Counsel attorneys prior to having access to confidential information or to CWS files. Discussions of cases and our review of CWS files was completed in accordance with a Standing Order of the Superior Court, as revised during the period of our investigation. At least two jurors reviewed each file. Other documents reviewed for this investigation included the California Penal Code and Welfare and Institutions Code, state and local agency publications, presentation handouts and budget summaries, and correspondence and documentation provided by complainants and related parties. When information in this report is derived from public information, the source is indicated.

The range of issues that surfaced in the course of this investigation resulted in three areas of focus that are developed in the remainder of this report. We have identified findings and recommendations under each section, and include our concluding remarks at the end of the report. This report includes the following sections:

- I. Suspected Child Abuse Reports
- II. CWS Placement Cases and Issues
- III. Organizational Issues
- IV. Concluding Remarks and Response Requirements

I. Suspected Child Abuse Reports

The focus of this section is the system used for reporting child abuse in California and its implementation in San Luis Obispo County. We first review the legal requirements and then discuss local processes.

The Child Abuse and Neglect Reporting Act, California Penal Code §11164 et. seq., is intended to protect children from abuse. Many sections of the Penal Code and the Welfare and Institution Code support this act and in many instances the section numbers of the two codes are the same. Both law enforcement and Child Welfare Services (CWS) play important roles in ensuring compliance with the law.

SCAR is the acronym for Suspected Child Abuse Report, a Department of Justice form that is used to report suspected physical, mental, emotional, or sexual abuse, and severe or general neglect. Any person can make a report, but mandated reporters are required by law to complete a SCAR form. Mandated reporters generally include any person who has direct or indirect contact with children. Penal Code §11165.7, included here as Appendix A, identifies legally designated mandated reporters, and a copy of the SCAR form is provided in Appendix B. All employers of mandated reporters are required by law to inform their employees about the requirements for reporting child abuse.

Mandated reporters are required to submit a SCAR whenever the reporters, in their professional capacity or within the scope of employment, have knowledge of, observe, or reasonably suspect a child has been the victim of abuse or neglect. These suspicions are to be reported immediately or as soon as possible by telephone to any police or sheriff's department or to the county child welfare services. The SCAR form containing information concerning the incident must be sent to the agency that was telephoned within 36 hours. As specified in the instructions printed on the reverse side of the form, color specific copies are to be distributed to child welfare services, the local law enforcement agency, and the district attorney's office. The fourth copy is for reporting parties to keep for their record.

The report flow shown in Figure 1 is designed to ensure that all interested agencies are notified in order to initiate their investigations. The Penal Code specifies penalties for failure to follow the designated procedures. A mandated reporter who fails to report any suspected child abuse or neglect "...is guilty of a misdemeanor punishable by up to six months in a county jail or by a fine of one thousand dollars (\$1,000) or by both fine and punishment" (PC §11166). The section further states "...any supervisor or administrator who violates or hinders the distribution of the SCAR is guilty of an infraction punishable by a fine not to exceed five thousand dollars (\$5,000)" (PC §11166.01).

The purpose of requiring the distribution of the four part handwritten form is to ensure that all appropriate investigative agencies are provided with original information. Any agency receiving a SCAR must accept it. When an agency receives a report for which it lacks jurisdiction, the agency must immediately evaluate it and refer the applicable cases by telephone, fax, or electronic transmission to the agency with proper jurisdiction.

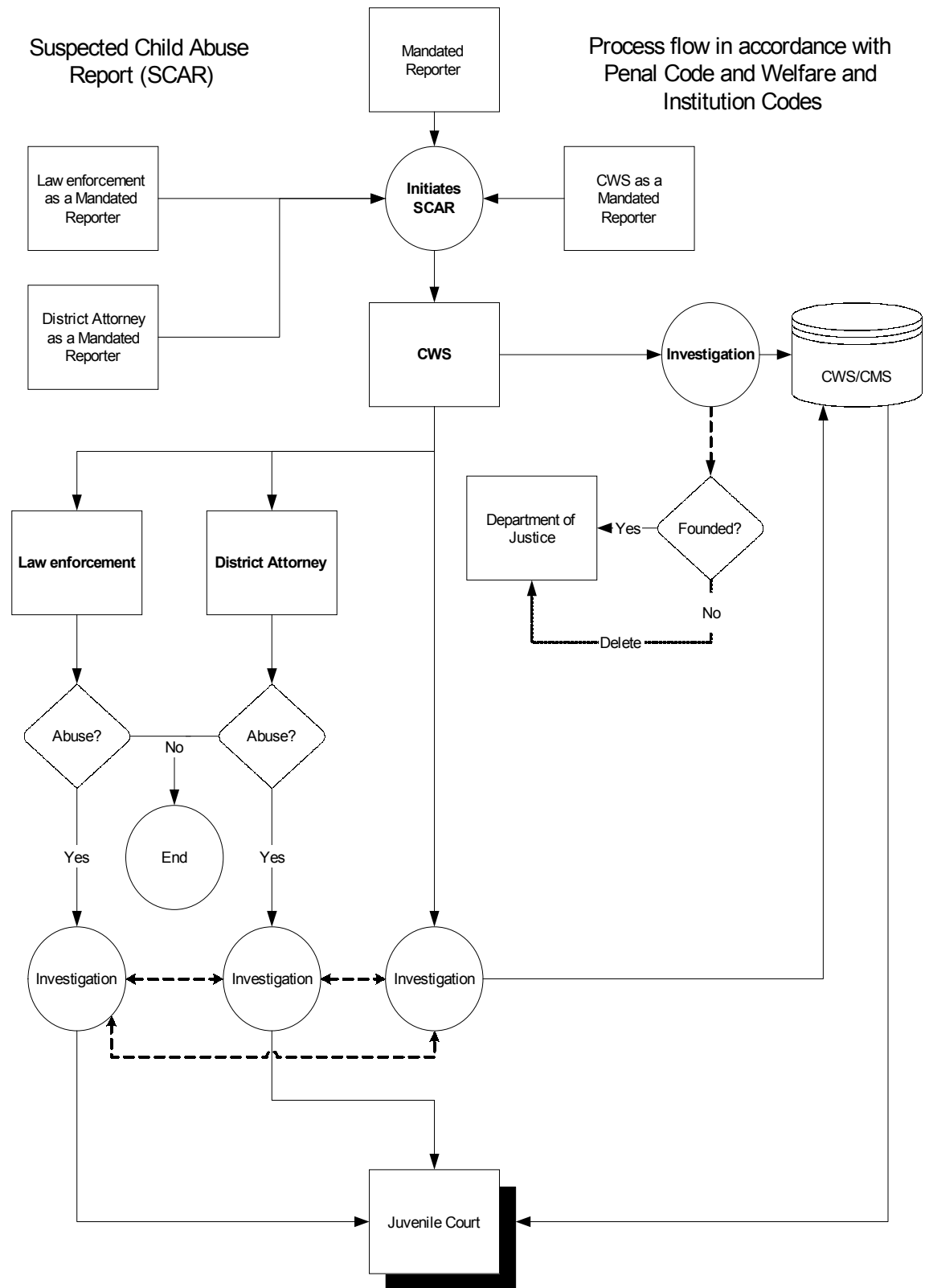


Figure 1

The intent of the law is to ensure a multi-agency involvement process. The goal is for all information to be cross checked so that no child falls through the cracks of the process, and that independent investigative reports are available to the courts.

SCARs in San Luis Obispo County

The issue of SCARs was brought to the Grand Jury's attention when two mandated reporters filed a complaint asking us to follow up on why investigations were not initiated after they had properly filled out and sent a SCAR to the county Child Welfare Services. This prompted the part of this investigation that involved reviewing the distribution of SCAR forms in our county.

In following up on the initial and subsequent complaints, we reviewed 17 CWS files involving 38 children. We found 44 SCAR forms that had been completed in the last three years, mostly by mandated reporters. Thirty-five of the forms still included the copies intended for distribution to law enforcement and the district attorney. In only one of the files was there indication that the mandated reporter was sent an acknowledgment as required by the process.

Upon investigation, we learned that since August 2000, CWS has been initiating a computerized CWS/CMS version of the SCAR when they receive a report of suspected child abuse that meets their criteria for action. Copies of that version of the SCAR are distributed to law enforcement and the district attorney when required. A result of this practice is that in most cases, the other agencies do not see the originally submitted SCAR that may contain information that is not included on the CWS form. In instances when the original form is also submitted, either by a mandated reporter or CWS, the result is that other agencies are receiving duplicate reports. An effective approach, which we found used in a few instances, was CWS attaching the agency copy of the original SCAR to the CWS form they distribute.

Local CWS procedures are currently being developed as "Desk Guides" for electronic distribution to employees through the county DSS internal network. The working "Draft CWS Desk Guide Subject: Intake Referral" (Draft Revised 7/17/03) calls for systematic distribution of the reports as depicted in Figure 2.

We noted that the Desk Guide does not specify that a copy of the SCAR must be distributed to the district attorney when it alleges physical or sexual abuse or severe neglect. While we confirmed that the district attorney's office does receive some copies of CWS generated SCARs, it is difficult to know whether they are consistently distributed as required by law. There is also a delay in receiving the reports from CWS. Even with the Desk Guide in place, we identified additional areas of concern related to CWS communication with mandated reporters and the coordination with law enforcement.

Mandated Reporters

Many of the SCARs that we reviewed had been determined to be unsubstantiated or unfounded by CWS. An unsubstantiated designation means that not enough evidence was

Suspected Child Abuse Report (SCAR)

Process flow in accordance with the
San Luis Obispo CWS Desk Guide
and actual practices

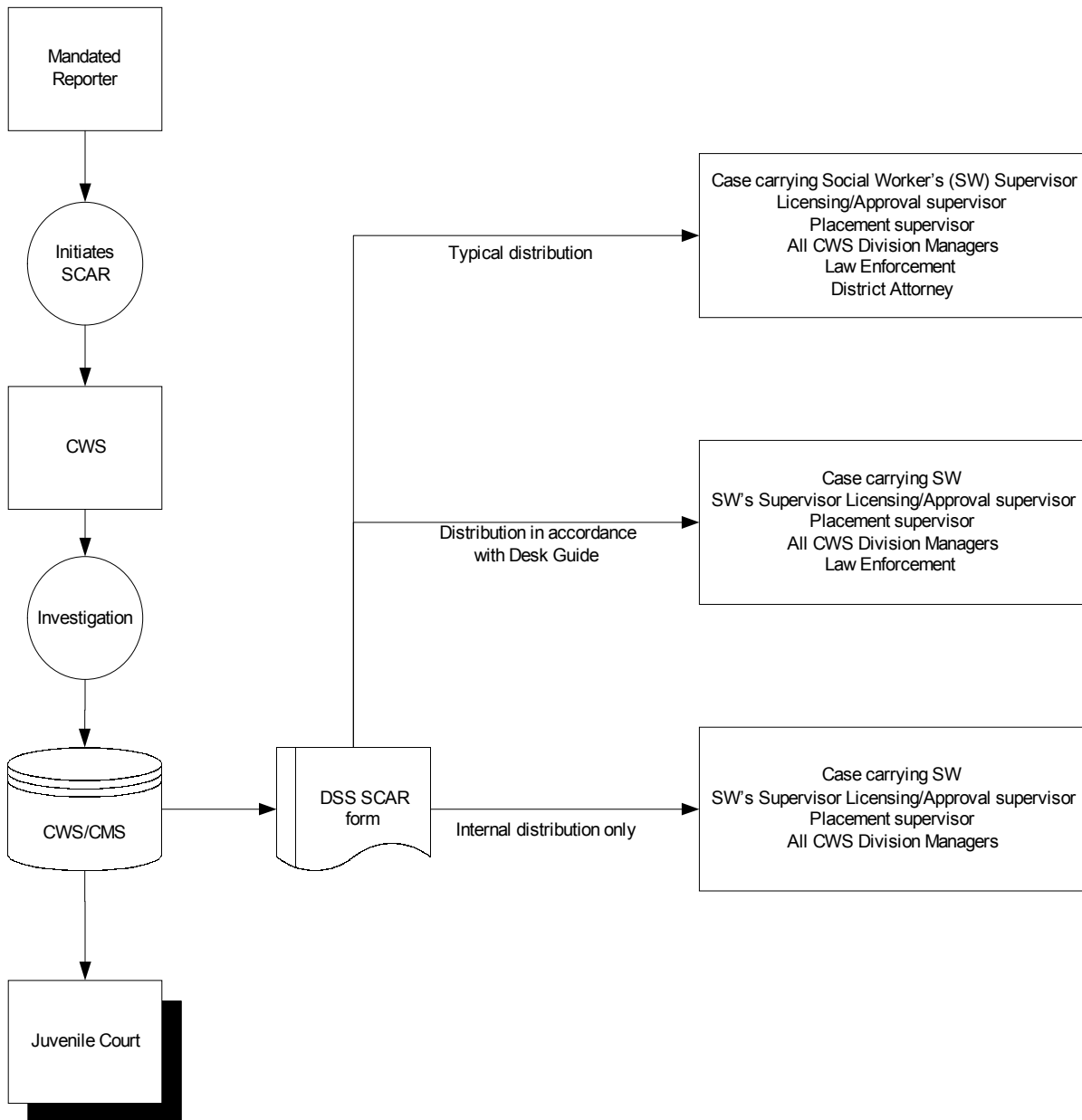


Figure 2

found to support the allegation. In an unfounded determination, CWS has found no evidence or basis for the accusation.

Several mandated reporters questioned how these determinations had been made. In many cases, it appeared to this Grand Jury and to law enforcement agencies that there was enough documentation to warrant further investigation or another conclusion. One example is a SCAR submitted by mandated reporters that included statements and evidence from a doctor, teachers, psychologists, and even a child's drawing to substantiate their accusations. Even with this supporting documentation, the SCAR was deemed to be unsubstantiated by CWS. When asked how this conclusion had been determined, CWS told the mandated reporters that the information could not be shared due to confidentiality.

Law Enforcement

In our interviews with law enforcement, we learned that in some agencies the dispatchers routinely receive calls from CWS when suspected child abuse is reported. Other agencies reported that they do not receive calls as often as they should. This call is important because it allows the law enforcement agency to respond quickly. Failure to receive immediate notice delays law enforcement investigations. Important evidence such as bruising and markings may be lost, the information provided by the victim and suspect may change, and one or the other of them may leave town.

The reporting process is designed for the telephone reports to be followed by a copy of the CWS/CMS version of the SCAR form in cases of physical or sexual abuse. Each law enforcement agency has developed its own system for matching the reports they receive by telephone with the corresponding paper work. In cases where there was no call received, the SCAR may be the first time law enforcement was made aware of the suspected abuse.

Problems also occur in the paper flow from CWS. SCAR forms are often distributed by CWS to the wrong law enforcement agency. This puts an extra burden on the receiving agency to re-route the SCAR, particularly since some receive up to 70 per month.

A related issue is the delivery time. The Penal Code is clear that a written SCAR must be sent within 36 real (consecutive) hours to the agency that receives a telephone report. In many cases, we found the CWS initiated SCAR was not filled out until several days after the initial call. After it has been processed by CWS, it was another three to five working days, often more than a week, before the law enforcement agencies and the district attorney's office received their copies. The county agencies that we interviewed received the written SCARs from CWS through the county's inter-office mail system.

Findings

- (1) CWS is not sending a written SCAR within 36 hours of receiving reports of abuse or severe neglect to the agency to which it made a telephone report in accordance with Penal Code §11165.7(h). Law enforcement and the district attorney's office are receiving the SCARs longer than three days and frequently more than a week later.

- (2) Some law enforcement agencies do not receive immediate telephone calls on incidents for which they later receive a SCAR.
- (3) The CWS Desk Guide instructions do not specify that a SCAR is to be distributed to the district attorney as required in PC §11165.12 (c).
- (4) When CWS determines that reports of sexual and physical abuse and severe neglect are unfounded or unsubstantiated, they do not distribute the written SCAR to the appropriate agencies. This appears to be in violation of PC §11166.
- (5) Some law enforcement agencies are receiving SCARs that are not within their jurisdiction and must forward them to the appropriate agency. This is a time consuming activity and hinders the timely investigation by the appropriate agency.
- (6) Some law enforcement agencies are receiving duplicate copies of SCARs, one initiated by the mandated reporter and one initiated by the CMS/CWS. Receiving duplicate SCARs for the same incident can be confusing and time consuming for the law enforcement agency.
- (7) When a SCAR decision is made regarding a referral from a mandated reporter, CWS does not consistently send an acknowledgment of the outcome to the reporting party.
- (8) Training for mandated reporters of child abuse and members of the child welfare delivery system is not regularly provided, as required in PC §16206.
- (9) CWS reporting and coordination is not consistent among law enforcement agencies.

Recommendations

- (1) CWS should ensure that the appropriate law enforcement agency is immediately telephoned when CWS receives a report of child abuse or severe neglect.
- (2) CWS should ensure that SCARs are distributed to the appropriate law enforcement agency and the district attorney. The CWS Desk Guides and internal procedures should be corrected to reflect this.
- (3) CWS should complete and forward a written SCAR to the appropriate agencies within 36 consecutive hours.
- (4) The law enforcement copy of a SCAR should be forwarded to the correct law enforcement agency.
- (5) CWS should attach the appropriate copy of the original SCAR form to CWS/CMS SCAR forms they distribute to law enforcement and the district attorney.

- (6) CWS should notify mandated reporters of the outcome of the SCARs that they submitted.
- (7) CWS should take a leadership role in promoting training for mandated reporters.
- (8) CWS should review agreements on SCAR reporting with all law enforcement agencies within the county to ensure consistent practices and coordination on a regular basis.
- (9) County inter-office mail should not be used for delivery of time-sensitive information.

II. CWS Placement Cases and Issues

Perhaps the most difficult decision CWS social workers must make is to remove a child from his or her home. This is the least preferred outcome within the context of U.S. social values. Nevertheless, in some instances the protection of a child requires removal. This section focuses on the complaints the Grand Jury received involving the placement of these children.

When children must be taken from their homes, CWS places them in protective custody. A Juvenile Court hearing is required within two court days requesting permission to detain the child, and a detention hearing is held the next court day. When the court determines that out-of-home care is necessary, the child is typically placed in foster care and placement planning is initiated. Of the 17 cases that the Grand Jury reviewed, all but two involved placement issues.

Child Welfare Services submits reports and recommended placement plans to the Juvenile Court for review. A county attorney (County Counsel) represents CWS in court, and the court assures that all other parties to the case, including the children, have legal representation. A Juvenile Court ruling determines the placement of children. However, CWS is the conduit and often the screener of the information that the court receives. Several of the complaints that we received were from other agency professionals who had been frustrated in their efforts to have their positions represented in the reports and recommendations that CWS submitted to the court.

State and local policies are clear that the order of preference for permanent placement of children is: family reunification, adoption, guardianship, and long term foster care. This prioritization is reflected in the social work *Best Practices*, which have defined policy for many CWS decisions in recent years. Currently, the state Redesign and AB 636 in effect mandate this prioritization of placements.²

Fifteen of the cases that we reviewed involved children who had been removed from their homes and placed in out-of-home care for some period. In most of these cases CWS efforts were proceeding toward the goal of family reunification. The common concern among the complainants was that CWS continued to recommend reunification as a goal, even when it appeared this was detrimental to the safety and the best interest of the children.

The cases that we reviewed provide a glimpse of the complex and difficult work of CWS and the Juvenile Court. These cases represent a small percentage of the total CWS caseload. They came to our attention, however, because people who were involved with the children were so concerned for the children's welfare and safety, and so frustrated with the placement process or outcome, that they felt they had no other recourse.

Case Reviews

We present an overview of the facts and issues that led to our findings and recommendations by summarizing some of the cases we reviewed. This is sensitive information that is protected by laws regarding confidentiality. Therefore, specific details and identifying information, such as names, dates, and location, have been omitted. We have provided this information to the Superior Court and, with the permission of the Presiding Judge, to CWS. It is not our intent to second guess decisions by social workers who were directly involved in these cases.

Several of the cases, including our initial investigation, focused on children with developmental disabilities. We begin with discussion of the initial case and related issues. We then summarize additional cases with placement goals of reunification and adoption. The final case we present involves the death of a minor while in the protective custody of CWS. While each case is presented under a specific category for emphasis, many involve issues from multiple categories.

Developmentally Disabled Children

The first case, discussed below, and five subsequent cases that came to our attention involved developmentally disabled children. The complainants are professionals who worked closely with these children. Each case is unique, but in all cases the concerns were that CWS failed to understand the special needs of the children, and did not involve those with expertise either in working with the children or in developing plans and recommendations to the court.

The Tri-Counties Regional Center (TCRC) is the local agency serving developmentally disabled children and adults, under a contract with the state. In cases where developmentally disabled children have been found to be neglected or abused, they are served jointly by TCRC and CWS. According to TCRC, "Children and adults are eligible [for services] who are substantially handicapped due to conditions falling within the legal definitions of 'developmental disability.' These conditions are mental retardation, cerebral palsy, epilepsy, and autism. Or the person may have a condition closely related to mental retardation which requires similar treatment."³ TCRC case workers are experienced in working with the developmentally disabled and their families, and TCRC can pay for resources to serve them.

Developmentally disabled children often require special medical and therapeutic services to address physical and emotional problems. Some are delayed in developing motor skills and abilities, such as dressing, toileting, feeding, etc. Depending on the nature of their disability, many of these children have difficulty communicating and expressing themselves. Special education teachers and support staff within the public school systems have expertise in

working with developmentally disabled children. They are also most likely to notice changes in the health and behavior of children with whom they work closely, often over several years.

Case The first complaint to this Grand Jury alleged that CWS was emphasizing a goal of family reunification long after there was evidence that it was not in the best interest of two developmentally disabled children. These children began their Juvenile Court dependency history in 1993, and their case had been in and out of the system since that time. Both children were in special education classes in the county, and both were served by TCRC.

The Grand Jury complaint was submitted by mandated reporters who were frustrated with CWS' placement and plan for the children. They had submitted a SCAR six months earlier reporting that the children were the subjects of neglect and physical, mental, and sexual abuse while in the care of the family members who CWS was recommending for legal guardianship. Seventeen pages of documentation, prepared by a team of professionals who worked closely with the children, was submitted with the SCAR. Child Welfare Services later sent one of the complainants a form indicating the allegations could not be substantiated.

Inspection of the files and several interviews revealed that at least ten other referrals had been reported to CWS by mandated reporters in the preceding two years. The reporters had provided documentation from experts regarding health issues, as well as correspondence from other professionals about the negative behaviors associated with the children's placement with the relatives. The CWS recommendations to the court, however, continued to be "reunification" in that home. When the concerned teachers and TCRC staff inquired about the status of the case, CWS refused to give any information. Under the cloak of confidentiality, CWS would not even provide the court dates or the name of the children's lawyer.

The outcome of this case appeared to have been predefined by CWS' goal of family reunification. Data or input from other agencies that did not support this goal was ignored or minimized in CWS reports. Although professionals working closely with the children and family argued with assertions by CWS staff that the family was complying with court ordered programs, the CWS reports to the court did not reflect these opposing views.

The children were finally removed from the family when a sewage problem made the home uninhabitable and law enforcement was called. They were placed in a TCRC foster home that was certified to work with developmentally disabled children. Although the CWS goal continued to be family reunification, the children's improved physical health and behavior while in foster care was brought to the court's attention. After eight months of documented improvement, the court approved placement goal for these children was changed to long term foster care.

Our interviews with school and other agency professionals who work with developmentally disabled children, and with CWS staff, confirmed a lack of expertise in this area within CWS. This is understandable, because only a small percentage of the CWS cases require such specialization. However, when an agency such as TCRC is actively working with children who are the subject of Juvenile Court dependency issues, the agency should have the opportunity to provide information to the court. At least in recent years, this has not been the practice. Child Welfare Services excluded participation of other agencies in the cases we reviewed.

It is also troubling that CWS does not take advantage of the expertise that is available in the community. For example, when CWS workers investigate reports of abuse of developmentally disabled children, the children they must interview often have difficulty communicating. Inclusion of a teacher or other professional who has worked with the child in the interview could help the child to understand the questions and help the CWS worker understand the child's responses. According to our discussions with several mandated reporters, this does not routinely happen. In one case, we found CWS case notes indicating that a report of abuse against a developmentally disabled child was determined to be unfounded because the CWS worker was unable to communicate with the child.

It should be noted that there are often financial aspects to placement cases, and they can be especially significant when the child is developmentally disabled. Many of these children are entitled to monthly Supplemental Security Income benefit payments,⁴ and the family income may be sharply reduced when the children are removed from the home. Additionally, families who adopt or provide foster care for children with special needs can receive substantial payments through CWS. Another case we reviewed involved a family with many children with developmental disabilities. In the parents' custody dispute, the family income of nearly \$10,000 per month, derived from the benefits and financial assistance for the children, was at stake.

Reunification Cases

In most of the cases we reviewed the CWS stated goal for permanency planning involved reuniting children with their parents or relatives. Of the following cases we briefly discuss here, the first three involved returning young children to homes where sexual abuse against at least one of the children had been documented.

Case In this instance, two children had repeatedly been returned to their mother following foster home placements, despite evidence that the mother could not protect the young girl from sexual and physical abuse by the father and older brother. The CWS reports to the court did not include findings from the Suspected Abuse Response Team (SART) that detailed the abuse of the young girl. The CWS court report also failed to include documents or references about another agency's opposition to returning the children to the mother's home.

Case This case concerns a family about whom repeated referrals to CWS had been made over a six year period, many from mandated reporters. At least 18 emergency referrals on each of the two children were sent to CWS over a

two and a half year period. Thirteen SCAR forms reporting neglect and risk during that time were found in the CWS file with the copies intended for law enforcement and the district attorney still attached. A drug-related law enforcement action against the father was required to finally open this CWS case and bring the children to the attention of the Juvenile Court. Neglect and long term sexual abuse of the young girl was established, and the children were placed in foster care. The father was convicted of sexual abuse.

Child Welfare Services efforts were directed toward returning the children to their paternal grandmother's home. That was the home where the father had lived, where the children lived during the time CWS received multiple reports of neglect, and where the abuse had occurred. The attorney representing the children argued that the grandmother had failed to protect the children, and filed challenges to the CWS plan. Following extended legal exchanges, the court approved a plan that would allow a continued relationship with the grandmother, but with a goal of adoption outside of the family.

Case In a similar case, the CWS goal of placement of two children with their paternal grandmother persisted despite information known to CWS of the grandmother's involvement in the drug-related charges that had sent the father to jail. The CWS file documented an abusive home environment during the time the two children lived with both parents. The mother had finally won custody of the children shortly before her death, which was surrounded by violent circumstances. The children were then placed in temporary foster care.

The CWS recommendation to the court was to place the children with their father's mother, and pursue reunification with the father. Maternal relatives objected and proposed placement with their family. CWS did not pursue this option. The CWS recommended plan to the court continued to be placement in the paternal grandmother's home and reunification with the father, even though his abuse of the children had been documented. The court referred the father to participate in a reunification program while he was in jail.

The final case we discuss in this section is an example of what seem to be competing *Best Practices*. In this case, one *Best Practice* justified the extended reunification efforts for the mother. However, during this process, CWS moved the child to three different homes within a year, violating the standard that children should not be moved frequently.

Case This case involved an infant placed in foster care while the mother was enrolled in a drug rehabilitation program, and followed the pattern of reunification at any cost. The infant was abruptly removed from the foster home and returned to the mother before she was able to provide a home for the baby. The CWS report to the court stated that the child was removed at the insistence of the foster mother, but did not explain that this was because the CWS workers had violated the confidentiality of the foster family. It also did not mention the foster family's continuing interest in the child. The mother's

CWS case was designated a “Special Project,” and CWS provided extensive support services and financial assistance to her. Still, reunification was not successful, and within ten months the baby was placed in yet another foster home. The permanent placement goal for the baby was changed to adoption.

Adoption Cases

When reunification with the family is judged not possible, the second preference for permanent placement of children is adoption. One state DSS outcome goal for adoption is measured in terms of time to complete the adoption process. The ideal is to expedite the process so the children can settle into a safe and stable home.

Case This case involves another infant who was placed in foster care at about two months of age. Within a few months the infant was moved to a “fost/adopt” home, where the foster parent was interested in adopting the baby after the court terminated the parental rights. Adoption in this approved home would have met the standards of minimizing the times a child was moved and completing the adoption within less than 18 months of detention. Rather than support this adoption, CWS expended extensive time and money searching for distant relatives who might be interested in caring for the child. The identified relatives have been strangers to the child. This process has extended for more than two years and involved considerable frustration for the adoptive parent, who had to hire a private attorney to oppose CWS in court.

Case We received two complaints about a case where the issue was one of failing to provide reunification services for a mother and her four children. The complainants alleged that CWS did not provide the mother with adequate services before terminating her parental rights. Once the mother’s rights were terminated, CWS proceeded quickly to finalize adoption of the children. However, information that could have influenced the decision seems to have been ignored by CWS. There is documentation that this information was directly delivered to CWS, although it was not in any of the CWS reports to the court that we reviewed. Less than two years after the adoption was finalized, the adoptive father was arrested on charges of child molestation and was found guilty on several counts.

A Child Dies While in Foster Care

Many of the CWS social workers we interviewed expressed the concern that a child would die while in foster care if their heavy caseloads and the stress at CWS continued. The following case is an illustration of this concern.

Case The complaint in this case alleges a cover-up by CWS, the sheriff/coroner, and a police department regarding the death of a child while in foster care. In our investigation of this case, we reviewed CWS files, police reports, medical records, autopsies, and coroner’s reports. We interviewed police officers, social workers, deputy district attorneys, and a deputy sheriff.

Child Welfare Services placed two siblings into a foster home that was licensed to care for high-risk children. A minor with a long history of assaultive behavior was already a foster child in this home. That minor had been in many foster homes in the system during the last several years, had been assessed as a high-risk child, and was on medications for a variety of emotional illnesses.

Three and one half weeks after placement of the two siblings for their protection, the older sibling was found in a ditch in the backyard of the foster home and was dead on arrival at the local hospital. Although the cause of death was undetermined, and there were emergency shelter beds available, the younger child was ordered by CWS upper management to remain in the home that had already failed to protect her sibling. The other foster child immediately ran away, but was later picked up by law enforcement.

Our investigation did not find evidence of a cover-up. We are concerned, however, about two aspects of this case. One is the placement of these vulnerable children in a foster home with a high-risk child who had a long history of violent behavior. We are also concerned about the CWS management decision that required the younger sibling to remain in the house amidst chaos and possible danger, since at the time there had been no determination as to whether the tragedy was an accident or a crime. As of the filing of this report, the case remains open and law enforcement investigation is continuing.

Other Representatives in Juvenile Court Placement Cases

We have discussed many of the agencies and professionals who are involved with the children whose placements are being decided by the Juvenile Court. TCRC has the expertise in cases involving developmentally disabled children, as do the therapists, doctors, and other agencies that provide services. In all cases when the children are in school, the teachers, nurses, psychologists, and support staff can be valuable sources of information and insight. While CWS has several programs in place that are designed to involve other agencies working with families they serve, our interviews with several professionals indicate that CWS has not included them in placement planning and decisions. Moreover, CWS has acted to exclude them from the court process.

Two specific groups that are involved in Juvenile Court cases are Court Appointed Special Advocates (CASA) and the lawyers representing the various parties in the case. A CASA is a trained community volunteer appointed by the judge to provide advocacy and voice for the children. The relationship between CWS and the local CASA agency has been strained in recent years, and conflicts in specific cases often reflect the different missions of the organizations. The common goal, however, is the best interest of the child. Our investigation highlighted the need for CWS to be more cooperative in sharing information about children they are both serving, including such basic courtesies as notifying the CASA when a child has been moved to a new foster home. CASA reports are sent directly to the judge, with copies to all parties to the case. Currently, a CASA is appointed by the court when the Juvenile Court judge sees the need, although there are not enough volunteers to meet the demand.

The lawyer appointed to represent a child can be a deputy district attorney (in cases where there is typically a felony criminal charge against a parent) or can be selected from a panel of lawyers under contract with the county. The lawyers from the panel may be appointed to be a parent's or guardian's lawyer in some cases and a child's in others. In several of the cases that we reviewed the children's attorney was a strong advocate who was knowledgeable in the relevant law and who actively sought information regarding the children's situations. Unfortunately, this was not always the situation. Private lawyers with varying levels of expertise in Juvenile Court dependency matters are appointed to represent the children when a deputy district attorney is not appointed. These private lawyers often lack the resources to carry out an independent investigation on behalf of the children, and they have reported difficulty gaining access to information in CWS files regarding the children. While there is a legal procedure for requesting this information, it is cumbersome and often yields only selected parts of the CWS case file.

Child Welfare Services' legal representation is assigned from the Office of the County Counsel. One attorney is assigned to CWS full time, with support from additional staff as needed. In presenting and defending their recommendations to the court, CWS has a designated lawyer who is experienced and well versed in juvenile law and children's issues. Attorneys for CWS have full access to the case files and have established relationships with the social workers involved. The CWS attorney has also served as the primary court manager in recent years. The result of this is that CWS often has a significant advantage in making and supporting their cases to the court.

Findings

- (1) Documentation from other agencies concerning children's situations is not consistently represented by CWS in the reports and recommendations it submits to the court.
- (2) CWS does not always include in its court reports opposing professional positions that could assist the court in making its rulings.
- (3) CWS has failed to effectively involve other agencies working with children in making placement plans and recommendations to the court.
- (4) CWS has made it difficult for other professionals who are working with the children to obtain information about the status of a case in the name of confidentiality.
- (5) CWS has refused to provide names of the children's legal representatives to mandated reporters in the name of confidentiality.
- (6) CWS has failed to effectively use the available expertise of professionals who specialize in working with developmentally disabled children and their families.
- (7) CWS social workers do not have adequate training and assessment skills to work with developmentally disabled children and their families.
- (8) CWS has failed to protect the confidentiality of foster families.

- (9) CWS has removed children from foster homes and misrepresented the reasons to the court.
- (10) CWS has pursued the goal of placement with relatives in cases when the relatives were strangers to the child.
- (11) CWS has pursued the goal of reunification in cases where there is documentation that it was not in the best interest of the children.
- (12) CWS has inconsistently applied *Best Practices* to justify conflicting actions.
- (13) CWS allowed a vulnerable child to remain in a foster home where a tragedy occurred even though there were available beds in emergency care shelters in the area. CWS does not effectively use emergency care shelters in the county.
- (14) The CWS legal representative in Juvenile Court is a designated lawyer from the Office of County Counsel who is experienced in juvenile law and court proceedings. Private attorneys appointed to represent children often do not have comparable experience in juvenile law or case investigation.
- (15) CWS legal representatives have full and unrestricted access to the children's files that is not as readily available to all attorneys for the children. The CWS attorney also manages the court calendar.

Recommendations

- (1) CWS should ensure that the positions and documentation from other agencies and professionals who are working with the children are represented in the reports and recommendations that are submitted to the court regarding those children.
- (2) CWS should proactively cooperate with other agencies and professionals working with a child in developing placement plans for the child.
- (3) The issues and concerns highlighted in multi-agency meetings and discussions regarding children should be represented in documents submitted to the court.
- (4) CWS social workers should receive basic training in working with developmentally disabled children, including assessment and communication skills.
- (5) CWS social workers who are interviewing a developmentally disabled child should involve those who are familiar and have rapport with the child in the interview.
- (6) A CWS policy should state that the placement of remaining children in a foster home should be re-evaluated when physical harm to a child has occurred in that home.
- (7) CWS should evaluate its use of emergency care shelters in the county to assure that they are being effectively utilized for their intended purpose.

- (8) CWS should provide the names and office information of attorneys appointed to represent children in Juvenile Court to mandated reporters who are actively working with the children.
- (9) Professionals who are directly involved with children who are the subjects of CWS and/or Juvenile Court cases should be included under the umbrella of confidentiality in order to receive information that would help them in serving the children.

The following recommendation is directed to the office of the Superior Court that is responsible for the contracting and funding of legal representation services for Juvenile Court in San Luis Obispo County:

- (10) An independent panel of attorneys should be designated to represent only the children in Juvenile Court dependency cases. These attorneys should have training and investigative resources comparable to those available to CWS in preparing their cases.

III. Organizational Issues

Information we have presented to this point has highlighted many of the complex systems and issues involved in Child Welfare Services work. In this section we direct attention to the CWS organization, including financial issues, the CWS/CMS system, the management style, and the CWS work environment. Change has been a constant in the work lives of CWS employees during the past five years. Given the legislative mandates and the state Redesign, continued significant change for the organization and its employees is inevitable.

The changes at CWS have come in both tangible and intangible forms. The CWS/CMS has involved fundamental changes for employees in how their work is performed. As we discuss in this section, emphasis on multiple initiatives has added complexity and often constraints to social work decisions. Several initiatives have involved a redefinition of many social work goals and priorities. Additional committee work and meetings for social workers have been required to accommodate new programs and practices. Budget pressures have also impacted the workload of CWS, resulting in more work with fewer resources. Changes in the organizational structure, including office relocations for some, have required continuing employee adaptations.

Employee stress associated with such constant change and reduced resources would be expected under any circumstances. In addition, the work of CWS is inherently stressful. In San Luis Obispo, this situation is accompanied by what can best be described as a “disconnect” between the CWS upper management and many CWS professional employees. The CWS upper management includes the DSS Director and the CWS Deputy Director. Most of the professional employees at CWS are social workers and social worker supervisors. We found that a lack of trust between social workers and upper management has been escalat-

ing for some time, and we are concerned that the leadership necessary to effectively implement the required changes is absent.

Redesign, Grants, and Financial Pressures

The changes demanded by the AB 636 accountability requirements and the strategies outlined in the Redesign are extensive. They require not only modifying decision models and practices, but also demonstrating compliance by meeting specific goals. *The California Child Welfare Outcomes and Accountability System* (April 2003) articulates eight outcomes, which we have listed in Exhibit 1. These desired outcomes or goals form the basis for compliance with federal requirements and AB 636, and for state DSS reviews of local child welfare agencies.

Exhibit 1

California Child and Family Service Review Outcomes

1. Children are, first and foremost, protected from abuse and neglect.
2. Children are maintained safely in their homes whenever possible and appropriate.
3. Children have permanency and stability in their living situations, without increasing reentry to foster care.
4. The family relationships and connections of the children served by CWS will be preserved as appropriate.
5. Children receive services adequate to their physical, emotional, and mental health needs.
6. Children receive services appropriate to their educational needs.
7. Families have enhanced capacity to provide for their children's needs.
8. Youth emancipating from foster care are prepared to transition to adulthood.

Source: *The California Child Welfare Outcomes and Accountability System* April 2003 (p. 12)

The first and overriding outcome is, “Children are, first and foremost, protected from abuse and neglect.” Our concern is that this primary goal may be compromised in the pursuit of achieving numbers used to measure progress toward other outcomes. The indicators the state is currently developing to assess whether outcomes are being met are typically measured in terms of time and percentages, resulting in pressure to demonstrate specific outcomes within a pre-defined time frame. The push to achieve the statistical goals for the second, third, and fourth outcomes underlies the repeated recommendations for reunification and placement with relatives noted in the cases reviewed in the Placement section of this report. The statistical accountability inherent in the Redesign is new to most social services. The requirement that future state and federal financial support will be tied to achieving performance goals is an even more significant change for local welfare agencies.

As an organizational entity, San Luis Obispo CWS has developed a positive relationship with the state. In 1998 it was chosen as a “pilot county” for testing the effectiveness of *Best Practices*. According to DSS Director Leland Collins, he was the only county director included in the state’s development of a response to the federal government’s review of the child welfare system. The most recent positive recognition from the state was the selection of the local CWS as an early implementer of the Redesign. This brings \$2.85 million of additional funding through 2007, and also brings pressure to implement new programs and to meet the statistical goals in the many categories defined in the AB 636 framework. The CWS Deputy Director is often required to be in Sacramento working with state CWS staff.

Besides accommodating the demands of federal and state changes, DSS/CWS upper management must explain and defend budget shortfalls to the county. Additional pressure on CWS derives from commitments associated with special funding that they have received.

Grants. Several of the CWS initiatives have been implemented with grants that bring additional funding to the county. Current grant projects include *Linkages* and *Family to Family*. The *Linkages* grant provides a total of \$45,000 over a 13-month period, ending in November 2004, to facilitate a partnership approach between CWS and other services available to its clients. The goal includes a new organizational structure to support a “one door model” of social services in Atascadero. *Family to Family* is a three-year grant designed to integrate principles associated with reforming the foster care system. The grant provides \$100,000 for the third year, which ends in October 2004.

CWS management publicly presents grant funding as adding resources for helping children and families at no additional cost. There are, however, “hidden costs” to such grants that may exceed the value added, as several of our interviewees highlighted. These costs include accounting and reporting requirements that require staff time. An analysis provided to the Grand Jury estimated the CWS financial cost of grants to be 20 percent of the grant value.

The greater cost may be the refocus and reorientation of social workers’ most valuable resource, time. For example, compliance with the *Linkages* grant required reorganization and office relocations, adding expense and stress at a time when social work resources were already stretched. The *Family to Family* grant requires increased efforts to recruit foster families and to document an average of 40 “Team Decision Meetings” per month. Pressures for grant compliance define such activities and meetings as social worker priorities. The es-

time provided to us was that 20 to 25 percent of CWS social worker time has been redirected to grant compliance activities in recent years.

County budget. A state DSS funding source that California counties have come to depend on is a time-lagged reimbursement for money spent over and above their state allocations. Referred to as “overmatch,” this reimbursement has not been available during the state’s recent budget shortfalls. As a result, San Luis Obispo County had to increase its funding for CWS programs during the 2003-2004 fiscal year, and will likely have to adjust the county share upward in coming years.

The local DSS anticipated these budget cuts and instituted a voluntary hiring freeze in May 2002. The Board of Supervisors made the hiring freeze mandatory in November 2003. When the DSS director explained the CWS budget shortfall to the Board in January 2004, he also requested authorization to further reduce CWS by 18.5 positions and eliminate all temporary positions. This request was approved. Apparently, there are no plans to use any of the \$2.85 million the county will receive under the early implementer Redesign grant to add social workers or staff.

As we noted previously, placement decisions have financial consequences that are reflected in the CWS budget. In the DSS budget, the single largest item is for Foster Care and Adoptions Assistance. CWS can keep the county share of the DSS budget down by using lower cost foster care and adoption placements. The state mandated CWS placement priorities tend to be inversely related to the costs associated with them. For example, the preferred goal of reunification with family is typically the least expensive, while placement in a group home is the least preferred and one of the most expensive options. Foster care for special needs children, e.g., those with developmental disabilities, can become very expensive for the state and the county, especially when the children are placed in homes that are approved to provide special services.

Money has also become a source of distrust within CWS, especially in this time of scarce resources and financial pressures. Many employees whom we interviewed and who are being asked to do more with less, question upper management decisions that are perceived as costly. While special grants add to social worker workloads, they do not fund additional human resources.

The complexity of DSS, and particularly CWS funding, renders it difficult to understand. Neither DSS nor the CWS division, however, has had an independent financial audit in at least ten years. The DSS financial manager, a member of the executive team, disagreed with upper management on several financial analyses. His position was eliminated by the Board of Supervisors in January 2004, upon the recommendation of the DSS Director.

Within this context of change and financial pressure, tensions between upper management and CWS employees are increasing. In the next section, we discuss some of the issues surrounding the CWS/CMS data collection tool, because these issues capture many of the dynamics of this strained relationship. We will then focus on the management style and the work environment at CWS.

CWS/CMS

The Child Welfare Services Case Management System (CWS/CMS) is an online reporting system that the state now requires all CWS agencies to use. Locally, CWS has been working toward integrating the system for several years, during which time employees have been required to learn not only computer skills but also new ways of completing work.

The system is now being used to gather data at the state level and to monitor CWS social worker performance at the local level. As part of the Redesign and AB 636, the state will use the information to track the county's success in meeting the established benchmarks. Success at achieving statistically defined goals will determine state funding allocations in the future.

As a tool for gathering data, the system will likely increase both the speed and accuracy of reporting information to the state and federal levels. When fully operational, the system will eliminate the need for the local office to devote time and resources to accumulating and preparing separate reports to state and federal agencies. This is an effective use of technology for the social services. The CWS/CMS capability also has significant implications for how work is performed and evaluated at the local CWS office.

With the CWS/CMS in place, the focus of social workers' evaluations has become whether they have entered case notes and reports into the computer system on time. When asked how social worker performance is measured, CWS managers responded by explaining how the CWS/CMS allows them to monitor social worker reports and case note entries. Our concern is that the value of social workers is shifting from how effective they have been in working with a family or protecting a child toward how proficient they have become in entering data into a computer. The management argument is that they should be able to do both – that documenting what they do has always been a part of social workers' jobs.

For new social workers trained during the years since computers have been integrated into most professions, using the new technologies should be reasonably straightforward. For some seasoned social workers, however, computerized notes and reporting require significant change. The danger is that valuable experience and expertise in working with children and families will be lost if the primary evaluation criteria for social workers becomes that which can be tracked on a computer. The concerns expressed to us indicate that CWS/CMS is being used as a weapon to intimidate and eliminate social workers whose performance, which is now being measured by timely computer input, is not up to standards.

In our interviews, we were told about two ways in which CWS/CMS can be, and has been, used at CWS to undermine social workers. The first relates to management's ability to monitor individual cases and social worker input on the system. Managers explained that supervisors can use this information to identify areas where social workers need assistance. However, some social workers expressed concern that it is also being used for managers to seek detailed information about the work of individuals who they see as being uncooperative. Management then pressures supervisors to initiate progressive discipline against those social workers.

A second potential for abuse of the CWS/CMS is that it allows supervisors and managers to change information a social worker inputs to a case note or report for the court. This is particularly problematic in the context of state pressures for specific outcomes where local CWS funding may depend on this information. Changing the information in CWS/CMS is a concern that may be solved by technology. However, this is symptomatic of a larger problem – that the distrust at CWS is so intense that social workers suspect their managers of such behavior.

Management Style

A repeated theme in our interviews with CWS employees was that upper management either is unwilling or unable to communicate with employees on a professional level. This does not fit the image of a professional organization in which information and practice is freely exchanged and discussed. Social workers are professionals by definition and required qualifications, and their job descriptions include significant responsibilities and judgments.⁵ Communication is central to their work, and they expect to be able to work in a professional setting.

The barriers to communication at CWS are both upward and downward. Our interviewees reported that efforts to express concerns regarding local implementation of state mandates are routinely told that, if they don't like it, they can work somewhere else. They described an atmosphere where questioning is seen as opposition rather than an opportunity for dialogue, and an environment that precludes discussing changes or suggesting alternative approaches. The message they receive is that employee input is neither sought nor welcomed.

Downward communication was described as dictatorial. We were told that decisions are made at upper levels and decreed as final, on simple procedures as well as fundamental social work practice and resources. An example of the disconnect between management and employees became clear in our discussions of the new procedural Desk Guides. The managers we interviewed told us that Desk Guides were being developed with the input from all social workers who would be affected by them. The social workers we interviewed, however, told us the Desk Guides were coming to them fully written, with no opportunity for input or discussion. This heavy-handed management style has also been applied to decisions about social work resources, such as group homes, and even discussion of a professionally accepted diagnosis.

Resource decision. Group homes, a resource considered by many social workers to be a critical placement option for children in the CWS system, were in effect eliminated in San Luis Obispo County. This appeared to some to be a unilateral decision to appeal to state standards.

Group homes are identified as the most restrictive (i.e., the least desirable) in placement priorities because they are believed to lack the individual nurturing environment of families. They are also among the most expensive placements. Multiple children can be placed in group homes that are operated by paid staff, many of whom are professionals in the human services. While a general perception of group homes is one of a mini-institution, social workers indicated to us that these placements may be the most appropriate for some children

who are better able to function within the clearly defined structure of a group home. This is most often true for older and/or emotionally disturbed children. Such children can be extremely disruptive, and at times dangerous, in family settings.

Nevertheless, in recent years *Best Practices*, and now federal and state standards, have discouraged group home placements. In response, local group homes were for a time removed as a resource. The result left CWS social workers without appropriate local placement options for some children. Instead, they were left with either placing children in foster homes against their better judgment, or sending them out of county, and even out of state. This latter option is expensive, separates the child from most family support systems, and requires extensive social worker travel time and money to comply with the monthly visit requirements.

Diagnosis discussion. A psychiatric diagnosis that is applied to some children in the CWS system is Reactive Attachment Disorder of Infancy or Early Childhood (RAD). It is a recognized diagnosis by the American Psychiatric Association and defined in its *Diagnostic and Statistical Manual of Mental Disorders*. RAD is associated with failure of a child to bond with a caregiver early in life, and is characterized by “markedly disturbed and developmentally inappropriate social relatedness in most contexts, beginning before age 5 years.”⁶ Among the methods used to treat children diagnosed with RAD, one was the subject of a recent public controversy.

Coincidental with the national publicity about this treatment, local CWS management took the extraordinary measure of attempting to ban discussion or mention of the legitimate diagnosis of RAD. Social workers told us that even written material mentioning RAD was removed from CWS reference sources. In the spring of 2003, the main presenter at a professional conference in Morro Bay was a therapist whose expertise included RAD. The DSS Director urged the sponsoring agency to cancel the conference and, failing that, refused to authorize any DSS staff to attend.

CWS Workers and the Work Environment

We heard from several sources that the work environment at CWS is not supportive of the social workers who most directly deliver services to children and families. Our sources included current and former CWS employees as well as professional employees of other agencies who work with CWS. While our interviewees emphasized the competence and dedication of many of the front line social workers, they noted that even the best employees were being stressed by a tense atmosphere often punctuated with intimidation by CWS management.

The CWS employees we interviewed dated the start of their dissatisfaction at about the time the current DSS Director was hired (August 2000), which was the same time the Deputy Director for CWS was appointed. This timing was also identified by other agency professionals. The image that emerged from our interviews and documentation is of a divided agency, with CWS management aligned against a significant number of social workers.

As with the individuals who appealed to the Grand Jury out of their frustration in dealing with CWS on placement cases, current and former CWS employees contacted us after their efforts to address the issues directly with management were ineffective. Attempts to resolve

the problems had included individual efforts to discuss concerns with management, and an appeal to the Deputy Director in a letter signed by CWS social workers in 2002. The reported response to the letter was a verbal lashing by the Deputy Director at a meeting, and no improvement in communication.

In April 2003, the San Luis Obispo County Employees' Association (SLOCEA) began a concerted effort to work on the problems at DSS. Approximately 76 percent of the then-employed permanent CWS social workers signed a SLOCEA supported petition that resulted in a June 2003 meeting with the DSS Director and 130 DSS employees. The employee concerns presented at this meeting were categorized as: accountability of managers to employees, lack of leadership on the part of managers, fear and intimidation in the workplace, and unmanageable workloads. The director's response was to communicate by e-mail, addressing each area of concern. As of the filing of this report, employees had received e-mails from the director on three of the four topics, but had not received one discussing the issue of workloads. According to a SLOCEA survey conducted in the fall 2003, the problems at DSS continued with little change.

The workload of social workers at CWS is of particular concern, because the safety and welfare of children is at stake. There are several issues involved, making it difficult to reduce simply to a question of caseload size. In fact, the DSS/CWS management response to concerns about caseloads is that they are within range of state averages.

Social worker responsibilities at CWS, in addition to working with families and children, include participation in committees and meetings associated with various grant initiatives and Redesign implementation. The hiring freeze and staff reductions have further strained the resources. Social workers and supervisors on various types of leave are no longer replaced, and existing workers are expected to cover their cases during their absence. Employees reported several instances in which social workers have been required to assume responsibilities beyond their qualifications, job classification, and salary. At least one social worker cited a heavy workload as the primary contributor to inappropriate decisions affecting children's welfare. Many others expressed concern that such decisions were inevitable in the current environment.

To support administrative requirements, some social workers have been assigned to non-case-carrying positions. Recent reorganizations have resulted in supervisors not familiar with the work or the employees they are responsible for managing. Office and records relocations have added to the adjustments needed to accomplish basic tasks. Increased scrutiny of reports and case notes through the CWS/CMS has added pressures for timely documentation. Management has increased the use of formal documentation necessary to initiate the progressive discipline process, leaving employees in fear of losing their jobs.

Our interviewees also expressed concerns about the lack of relevant and professional training provided to CWS employees. Training sessions are offered for procedural matters such as orientation to new Desk Guides, but are not available for discussing the implications of new policies or thinking through their implementation. There is training for new social workers offered through the state's Core Academy, and an orientation to county policies, but there are no training periods or programs for social workers and supervisors who are transferred to new units or given additional responsibilities. There is little continuing education in

social work practices available through the department. When the professional conference referenced earlier was held in Morro Bay, CWS employees were not permitted to attend.

Many of the experienced social workers we interviewed acknowledged that scarce resources and work overload are part of a normal cycle in social services. They had been through a number of such cycles over the course of their careers and understand that periods of belt-tightening are to be expected. What distinguishes the current situation to them is that the sense of support and unity to help them through the difficult phase is missing. Instead, it has been replaced by a managerial harshness and indifference to employees' concerns.

The current work environment at CWS is not conducive to meeting the considerable challenges facing the organization. The state has warned local CWS agencies about the fundamental changes inherent in implementing the Redesign. California DSS-published documents outline not only the positive potential but also acknowledge the difficulty of the transition processes. The *Child Welfare Redesign Final Report* (September 2003) highlights the need for effective leadership in implementing the fundamental changes, and the change in the organizational culture that will be required in many local agencies. It is this Grand Jury's assessment that the San Luis Obispo CWS does not have the demonstrated leadership required to bring about these drastic changes.

Findings

Management style/communication

- (1) The CWS upper management's autocratic leadership and communication style increase the inherent job stress of social workers.
- (2) Key decisions affecting social work resources and practice are made unilaterally from the top, with little discussion or input from those who must implement these decisions.
- (3) Communication at CWS is top down only, is not open to employee input, and is not appropriate for professional employees such as social workers. Upper management is neither accessible nor visible to many social workers.
- (4) CWS upper management efforts have been directed more toward the state, county and grant funding sources than toward creating an open, supportive, and cooperative work environment.
- (5) Upper management has demonstrated that they are unwilling to engage in professional dialogue with employees.
- (6) Distrust exists between social workers and upper management at CWS.
- (7) The climate at CWS has led to social workers' anxiety that they may be fired without prior notice or placed on administrative leave without explanation.

- (8) The decision to remove local group homes as a placement option for children in the CWS system has resulted in additional travel, time, and expense.
- (9) CWS upper management blocked access to information and discussion of a recognized psychiatric diagnosis. Additionally, CWS workers were not authorized to attend a professional conference because it may have included discussion of this diagnosis.
- (10) CWS employee efforts to formally communicate problems were not accepted by the CWS Deputy Director. CWS employee attempts to communicate concerns with the DSS Director have not resulted in meaningful change.

Workload

- (11) The unrecognized costs to grants received by CWS increase administrative and social worker responsibilities.
- (12) Special initiatives and grants redirect social worker efforts toward compliance activities and have the effect of adding work without adding resources to social workers. CWS grant money is not used to add social worker positions.
- (13) The Redesign implementation adds meetings and other tasks to the workload of social workers.
- (14) The cumulative effect of the DSS hiring freeze, the elimination of permanent and temporary positions, and not filling in for social workers on leave, has resulted in increased workloads of social workers and supervisors.
- (15) With the current workload requirements, it is unrealistic for social workers to be expected to complete their work within the hours of a normal work week.
- (16) Some CWS social workers are working above their job classification.
- (17) No social worker job analysis has been conducted to reflect the current technology and the work requirements under the Redesign.

Training

- (18) Newly-hired CWS social workers are not given adequate time for caseload and procedures orientation.
- (19) Neither relevant training nor transition time is provided for CWS employees when they are reassigned to new work units or positions.
- (20) Relevant training and continuing professional education for CWS social workers is limited.

- (21) There is no provision for training social workers or managers for: a) the culture change required by the Redesign, and b) team dynamics to support the demands of CWS requirements for teamwork.

CWS/CMS

- (22) The CWS/CMS can be an efficient and effective application of technology for purposes of case reporting and documenting, and for identifying areas where there is need for improvement in caseload management.
- (23) Social worker notes and reports can be, and are, monitored by supervisors and management using the CWS/CMS.
- (24) The potential for abuse of CWS/CMS includes supervisors and managers changing social worker notes and reports, and upper management's scrutiny of social worker inputs to find cause for disciplinary actions.
- (25) The CWS/CMS tracking capacity is being used to measure social worker performance in terms of reports, case notes and documentation entered into the system rather than evaluating social worker effectiveness in working with children and families.

Financial issues

- (26) Financial decisions have become a source of distrust within CWS.
- (27) DSS/CWS has not had an independent financial audit in at least ten years.
- (28) The county share of the 2003-2004 DSS budget was amended upward to make up for the failure of the state to reimburse for "overmatch" expenditures. DSS/CWS is under pressure to reduce its costs so as not to increase further the county share of its budget.
- (29) Placing children in lower cost placements is one way to keep down the county share of the DSS budget.

Recommendations

- (1) Upper management at CWS should accept responsibility for the dysfunctional work environment at CWS and commit to creating a more worker-friendly professional organization.
- (2) All CWS supervisors and managers should receive training in practices designed to encourage open and trusting communication.

- (3) CWS management should develop and implement practices that will create positive performance feedback and incentives, and reverse the environment of fear and reprisal.
- (4) All CWS supervisors and managers should receive training in practices designed to bring about a change in organizational culture that will be conducive to implementing requirements of the Redesign.
- (5) CWS social workers should be provided training in coping with stressful workplaces and the stress related to organizational change.
- (6) CWS management and employees should participate together in training, facilitated by an independent professional trainer, designed to constructively confront the distrust in the workplace and begin a process of team building.
- (7) Information that is part of a professional knowledge base, such as recognized psychiatric diagnoses, should be available and discussions encouraged at CWS. Management should not remove or disallow this information or curtail discussions.
- (8) CWS should reallocate its training resources to include the following areas for social workers:
 - a) relevant field training for new social workers
 - b) continuing professional training for all social workers on an annual basis
 - c) training in team participation and team management for social workers
 - d) community resources identification, coordination, and utilization
- (9) Social workers should be involved in discussions of procedures, grant applications, and programs that will impact their work and/or resources available to them.
- (10) Social workers assigned to a case should be involved in management decisions that alter any notes, reports, or recommendations on that case.
- (11) DSS should develop a protocol that defines appropriate managerial and supervisor use of the CWS/CMS system and information. It should specify that violations of the protocol are grounds for disciplinary action. The protocol should be developed with input from line social workers and should be disseminated throughout CWS when it is complete.
- (12) CWS management should engage social workers in discussions of the appropriate use of group home placements and the assessment of the need for group homes for children in the CWS system. These discussions should include consideration of reinstating some group homes in the county.

IV. Concluding Remarks

The central question our investigation addressed was: Does CWS effectively implement systems that protect the safety and best interest of children? In response, we would have to answer with a qualified no. In each of the three main systems we studied, there are significant problems that prevent effective actions to ensure the protection and best interest of children. The qualification to our answer is based on two factors. The first is the appreciation we gained during the course of our investigation for the overwhelming responsibilities of CWS. The second is a respect for the work and dedication of many in the CWS organization who continue to serve children and families within difficult systems.

After concluding our investigation we discovered that many of the problems we identified had been raised in previous Grand Jury reports. San Luis Obispo CWS has been the focus of six previous Grand Jury investigations since 1993. In most of these earlier reports, the Grand Jury noted frustration at their inability to gain access to the CWS information required to complete their investigations. The CWS justification for refusing to provide information to these Grand Juries was the required confidentiality of their records. Like previous Grand Juries, we are bound by the laws of confidentiality and also received special training before we were permitted access to CWS cases. Under the terms of an amended court order, we were able to review case files that we requested more fully than had our predecessors. We appreciate the cooperation of DSS staff in facilitating our requests.

Some of the professionals outside of CWS who we interviewed for this report also expressed frustration at being asked to meet with yet another Grand Jury. Their feeling was they were going over the “same old issues” that they had been reporting annually to Grand Juries with regard to CWS, with little or no effect. We would like to express our appreciation to all those who contributed their time and energies in assisting us in our investigation. We join them in hoping that their concerns will finally be addressed by actions taken on the recommendations included in this report.

Child Welfare Services has a daunting responsibility to ensure that children are protected by coordinating the system for reporting suspected child abuse in San Luis Obispo County. This involves not only maintaining a 24 hour referral response unit of its own, but also ensuring that information is communicated and distributed to the appropriate law enforcement agency and the district attorney. While we did not focus on the CWS direct response capability, we found that their ability to involve the related agencies in a timely manner was inconsistent and often delayed. Further, CWS legal compliance is questionable in some instances. As our recommendations suggest, concerted effort will be required to correct the inadequate system for communicating and cooperating with the other critical players involved in the protection of children. This includes the mandated reporters, who are critical “eyes” of the community for reporting abuse, as well as the district attorney and law enforcement agencies who need timely information to fulfill their responsibilities.

The critical role CWS plays in the placement of children is equally important. CWS social workers are faced with immediate decisions on whether to remove children from their homes. They must also ensure that the Juvenile Court has the best possible information on

which to base placement decisions. This is where the CWS system is failing, from the perspective of many human service professionals working in other agencies. Rather than encouraging input and participation in the placement planning and court process, CWS has assumed a role of gatekeeper in keeping professionals and information out. The privilege of access to the court enjoyed by CWS is being abused. Under the cloak of confidentiality, CWS has kept other professionals who are working with children outside the court system, when they should be working together toward a common goal.

The placement cases that we reviewed portray CWS as an impenetrable wall of confidentiality. CWS was able to keep opposing information out of their court reports, and the professionals representing those positions outside of the court process. In many of these cases, CWS recommended reunification where it appeared to other professionals that this would be to the detriment of the children.

Our efforts to understand why this might be the case led us to the financial implications of placement decisions and the related importance of meeting statistical goals for preferred placement outcomes. In the complex system of externally defined placement goals and funding, the motives seemed to derive from an upper management determination to meet defined goals. We do not assume that there was personal financial gain to be realized by anyone in the local DSS or county offices. Rather, the reinforcement seemed to come from the approval of state and grant funding sources for “making the numbers.” Our concern is that this statistical success is being achieved at the expense of the protection and best interest of children.

Within the organization, CWS’ external success appears often to be on the backs of the employees. We recognize that CWS management is under extraordinary stress. The state mandated changes and budget pressures present major challenges. Some of the pressures, however, are self-imposed as upper management seeks to be on the leading edge of new programs and initiatives. Looking good from a county budget perspective means bringing in grant money and keeping county expenditures low. Looking good to Sacramento as a successful early implementer of the Redesign (which brings \$2.85 million to the county) requires meeting or exceeding benchmarks. Meeting such goals in local operations means putting pressure on social workers to meet the numbers. The negative work environment at CWS, however, hinders rather than helps to achieve these goals.

The tendency to manage and value that which can be measured is a classic dilemma for managers. It is particularly appealing in service occupations, where performance incentives are reasonably new. However, the translation from the corporate bottom line to externally imposed performance measures in human services is dangerous. Net profit and loss do not have equivalent values in terms of decisions affecting children’s lives.

This is one of the dangers of the CWS/CMS and related technology. It makes it too easy to focus on the quantitative measures and ignore the qualitative aspects that define effective social work. We are concerned that CWS management is following this path. Given the trends we have heard about, experienced social workers may become a casualty of CWS/CMS, leaving in place social workers who are more proficient at the key board than in working with children. There is also evidence of upper management’s micro-managing aspects of social work that can be accessed by CWS/CMS. We hope the reports we heard of

supervisors and managers changing social workers' recommendations are isolated events. While the technology itself is neither good nor bad, the potential for abuse exists.

Overall, the common theme in all three systems we examined is an attitude on the part of CWS upper management that the organization and its systems and its people are theirs to manipulate. With this attitude, management has lost the confidence of the agencies they work with in protecting and serving children and families, and has lost the trust of its employees. This is an insidious problem that may not be able to be addressed as long as the current management style at CWS continues.

Recommendation

- (1) We strongly recommend that the San Luis Obispo County Board of Supervisors undertake a thorough evaluation of the leadership of CWS, specifically including the DSS Director and the CWS Deputy Director. The evaluation should be completed by a private, independent, and credible expert in the management of social service organizations. The evaluation should focus on upper management's effectiveness in communicating with the employees and in creating a positive working environment, and should include input from all CWS employees. The results of this evaluation should be reported directly to the Board of Supervisors and should include specific recommendations as applicable. Unless and until the Board becomes directly involved, the likelihood of further deterioration of the situation at CWS is high.

Response Requirements

Penal Code § 933 requires that comment on the findings and recommendations in this report be submitted to the presiding judge of the Superior Court by the:

- (1) Department of Social Services - all findings and recommendations in Part 1, all findings and recommendations 1 through 9 in Part 2, and all findings and recommendations in Part 3 of this report, within 60 days of its publication.
- (2) Board of Supervisors - all findings and recommendations in Parts 1, 2, 3 and 4 report, within 90 days of its publication.